

STAND. COM. REP. NO.

71

Honolulu, Hawaii

February 4, 2019

RE: H.B. No. 491
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 491 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to establish a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability by:

- (1) Amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense and penalties;
- (2) Permitting persons charged with the misdemeanor or petty misdemeanor offense of abuse of a family or household member to enter a deferred acceptance of guilty plea under certain conditions; and
- (3) Requiring data collection and reporting by county police departments, prosecutors, and the Judiciary on the number of arrests, charges, and convictions relating to domestic violence to determine the effectiveness of the pilot project.



The Honolulu Police Department, Domestic Violence Action Center, and two individuals supported this measure. Hawaii State Coalition Against Domestic Violence and Hawaii Women's Coalition supported the intent of this measure. The Office of the Public Defender and Judiciary submitted comments.

Your Committee has amended this measure by:

- (1) Removing the provision prohibiting the court from deferring acceptance of a plea of nolo contendere by a defendant for the offense of abuse of a family or household member;
- (2) Authorizing, rather than requiring, the court to order the defendant to be immediately incarcerated upon conviction of the offense of abuse of a family or household member;
- (3) Clarifying that the court may amend the defendant's sentence for failure to complete the required domestic violence intervention program or parenting classes, or any other condition of that defendant's sentence;
- (4) Clarifying that the court may accept a deferred guilty or no contest plea from the defendant, subject to certain requirements;
- (5) Repealing this measure 5 years after its effective date;
- (6) Changing its effective date to January 1, 2059, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 491, as amended herein, and recommends that it



pass Second Reading in the form attached hereto as H.B. No. 491, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



JOY A. SAN BUENAVENTURA, Chair



